

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

CHRIS MODONAS,

Petitioner,

Case Number 08-11284
Honorable Thomas L. Ludington

v.

THOMAS BELL,

Respondent.

**ORDER DENYING WITHOUT PREJUDICE PETITIONER'S
MOTION FOR APPOINTMENT OF COUNSEL**

Presently before the Court is Petitioner Chris Modonas's motion for appointment of counsel. Petitioner has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, alleging that he is incarcerated in violation of his constitutional rights.

There exists no constitutional right to the appointment of counsel in civil cases, and the court has broad discretion in determining whether counsel should be appointed. *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (“[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.”) (internal quotation omitted). A habeas petitioner may obtain representation at any stage of the case “[w]henever the United States magistrate or the court determines that the interests of justice so require.” 18 U.S.C. § 3006A(a)(2)(B). The determination of whether to appoint counsel is “a decision left to the sound discretion of the district court, and this decision will be overturned only when the denial of counsel results in fundamental unfairness impinging on due process rights.” *Reneer v. Sewell*, 975 F.2d 258, 261 (6th Cir. 1992) (citations and quotations omitted). The denial of counsel in this case will not

result in fundamental unfairness because Petitioner has demonstrated the skill and ability needed to frame the legal issues before the Court. The interests of justice, after careful consideration, do not require appointment of counsel at this time.

Accordingly, **IT IS ORDERED** that Petitioner's motion for appointment of counsel [Dkt. # 2] is **DENIED WITHOUT PREJUDICE**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: June 6, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 6, 2008.

s/Tracy A. Jacobs
TRACY A. JACOBS